

The 28th June, 1982

No. 9(1)-82-8. Lab/5768.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s. Gedore Tools (India) Pvt. Ltd., Unit No. II, New Industrial Area, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 54 of 1977 (Ebd. 311 of 1981)

between

SHRI SADAN LAL SHARMA, WORKMAN
AND THE MANAGEMENT OF M/S. GEDORE
TOOLS (INDIA) PRIVATE LTD., UNIT
NO. III, NEW INDUSTRIAL AREA,
FARIDABAD

Shri Sagar Ram Gupta, for the workman.

Shri S. S. Sethi, for the respondent management.

AWARD

This reference No. 54 of 1977 has been referred to the Labour Court, Rohtak,—vide hon'ble Governor of Haryana,—vide his order No. ID/FD/54-D/76/22335, dated 10th June, 1977, under section 10(i) (c) of the Industrial Disputes Act, for adjudication of the dispute existing between Shri Sadan Lal Sharma, workman and the management of M/s. Gedore Tools (India) Private Ltd., Unit No. III, New Industrial Area, Faridabad. The terms of the reference was:—

Whether the termination of service of Shri Sadan Lal Sharma, was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to the parties, by the Labour Court, Rohtak. The parties appeared and filed their pleadings. The case of the workman according to demand notice and rejoinder is that he was appointed by the respondent management in the month of October, 1973 as milling man @ Rs. 450 per month. The workman was appointed through Shri Ahuja, Foreman. After his appointment Shri Ahuja demanded Rs. 1,000 for television, Rs. 350 for wheat on loan, which the workman paid. On the demand of the workman Shri Ahuja became annoyed and managed

to issue him charge-sheet, dated 3rd May, 1976, and on his report his services were terminated 13th May, 1976, which were illegal and void. No proper enquiry was conducted against him nor proper opportunity was given to him which were against the principles of natural justice. Report of the enquiry was not given to him. So the termination of the service of the workman is illegal and against the principles of natural justice, so he may be reinstated with full back wages and continuity of service.

The case of the respondent according to written statement is that Shri Sadan Lal Sharma was appointed on probation 31st October, 1973 and made confirmed on 1st April, 1974. After that his work was not found satisfactory and a charge-sheet dated 11th October, 1975 was served on him containing the charge of missing from duty place and mis-behaving with his superior. In response to the charge-sheet dated 11th October, 1975, the workman replied in a written explanation dated 16th October, 1975 in which he admitted his mistake and expressed regrets. In view of the regrets the management decided to take a lenient view and he was suspended for two days as punishment. Even though the workman continued to remain negligent in the performance of his duty and a charge-sheet dated 4th February, 1976 was issued to him for refusal of work to do asked by Mr. Ahuja, Fireman, and behaving rudely with him, and dis-obeying the legal order of his superiors and using un-parliamentary language. For which departmental enquiry was conducted against him and suspended for a period of four days as a punishment.

There after another charge-sheet dated 7th May, 1976 was issued to him in which the claimant was charge-sheeted on 3rd May, 1976 in a day shift he was asked at about 9.00 a.m. by Shri A. K. Dawra Assistant Foreman to do the job of milling on 5 bolls and nuts of article No. 143/12. The job was explained to him and drawing was given to him by Mr. Dawra, but he refused to take the drawing and spoke to him rudely using un-parliamentary language. Then the claimant approached the Assistant foreman at about 1.00 p.m. on the same day and asked the details of the job. He again explained the job and offer the drawing but he again left the seat of the Assistance Fireman without taking the drawing of the job and using un-parliamentary language. At about 11.00 a.m. the Assistant Foreman other the claimant sitting idle at his

machine and asked to start the job. But he disobeyed the orders saying that the job will be started after lunch. That 12.30 p.m. on the same day when the foreman Mr. Ahuja asked him to take the drawing and work but the claimant spoke him rudely and using the un-parliamentary language. On this the foreman asked the Assistant Foreman to give the job with written instructions and drawing but when the Assistant Foreman asked him to take the drawing and instructions he again refused to take the drawing and written instruction. The matter was reported to the Maintenance Manager Shri S. K. Sachdeva who called the claimant in his room at 1.20 p.m. and asked him to prepare the job. But even this the claimant threw the bolts on the table of the foreman and kicked him on the legs abusing him and using un-parliamentary language. When he asked the claimant to refrain from such practice, he again kicked him. After this happening the matter was given in writing to the manager on which the enquiry was held and he was found guilty of the charges levelled against him. As the charges against the claimant were serious, he was dismissed from service of the company on 13th July, 1976. In the written Statement the respondent has denied the allegation that the foreman Shri Ahuja was responsible for the appointment of Shri Sadan Lal and he took loan from the claimant. The allegation that he demanded the amount of loan back which provoked Shri Ahuja has no base and has been made after thought, because no such allegation was made in his written explanation dated 16th October, 1975 to the charge-sheet dated 11th October, 1975 and his explanation dated 12th June, 1976 to the charge-sheet dated 4th June, 1976. After a proper domestic enquiry the claimant was terminated from the service so the reference may be dismissed.

On the pleadings of the parties, one issue as per reference was drawn. On the request of the parties my predecessor order for justification of termination of service of the workman ordered that the management want to adduce the evidence on enquiry before giving the evidence on merit. The parties adduce evidence on enquiry whether the domestic enquiry was proper and fair and after taking evidence of both the parties, my predecessor heard the arguments on this issue and decided the issue of enquiry against the management and in favour of the workman and visiated the enquiry and ordered for evidence on enquiry and on

merits before the Court on 11th April, 1978 which is as under:—

"The parties put in their appearance in this Court in response to the usual notice of reference sent to them and filed their pleadings. The workman concerned relied on the notice of demand dated 17th July, 1976 served by him on the management his claim statement. He alleged that the management illegally terminated his service with effect from 13th May, 1976 on the asking and under the influence of Shri N. K. Ahuja who nursed a grudge against him on account of his (workman) having asked for the return of a loan of Rs. 1,350 advanced to him (Shri N.K. Ahuja). He stated that he was appointed as a milling man by the management concerned in October, 1973 on wages of Rs. 350 per month and the enquiry held against him was against the principles of natural justice and illegal.

The management while admitting the appointment of Shri Sadan Lal Sharma as a Miller on temporary basis with effect from 31st October, 1973 for three months on wages of Rs. 250 per month in maintenance department,—vide letter dated 30th January, 1974 and his confirmation,—vide letter dated 10th April, 1974 with an increment of Rs. 15 per month in the scale of Rs. 190-10-510 with effect from 1st April, 1974, denied the allegations that they terminated his services under the influence and on the asking of Shri Ahuja and pleaded that his services were on the other hand termination as a result of the establishment of the charges of disobedience levelled against him,—vide charge-sheet dated 7th May, 1976. They gave out that the enquiry held against him was proper, legal and in accordance with the principles of natural justice and he had been given proper opportunity to defend himself.

The workman reiterated the allegation made by him in the claim statement and controverted the pleas of the management,—vide rejoinder filed by him with the result that the following issue was framed on the pleas of the parties,—vide order dated 22nd September, 1977.

Whether the termination of services of Shri Sadan Lal Sharma was justified and in order? If not, to what relief is he entitled?

The management first led evidence in respect of the facts of the enquiry admittedly held by

Shri S. K. Sehdev, Personal Officer Unit No. 1 into the charge-sheet copy Ex. M-1 framed by one Shri S. M. Bangia another Personal Officer of the management concerned. It stands further conceded that Shri S. K. Sehdev Personnel Officer was appointed as an enquiry officer by Shri S. M. Bangia. The management examined the enquiry officer Shri S. K. Sehdev who deposed that he held the enquiry according to the principles of natural justice while giving full opportunity to the workman concerned to participate therein. He duly proved the proceedings of the enquiry taken up by him Ex. M-3 and the findings Ex. M-4 made by him as correct and duly signed by him. The management brought on record the copy of their certified standing order Ex. M-7.

Shri Onkar Parshad authorised representative of the workman concerned assailed the enquiry held by Shri S. K. Sehdev on two grounds firstly that Shri S. K. Sehdev was not competent in law to hold the enquiry and secondly that the copy of the complaint was not supplied to the workman concerned. He also contended that Shri S. M. Bangia Personal Officer was not legally competent to frame the charge-sheet copy Ex. M-1 and to appoint Shri S. K. Sehdev Enquiry Officer. I have given this matter my careful consideration.

I find it necessary in this connection to state in extenso the relevant provisions of the certified standing orders of the management admittedly applicable to the parties as under:—

"15. Not with standing any thing said above, no punishment will be awarded to any workman unless the workman has been given a full opportunity of at least 2 days to explain the circumstances alleged against him and a to any workman unless the workman through enquiry has been made by the manager himself or on his behalf by another officer."

It would appear from a plain reading of the aforesaid provisions of clause 15 of the Certified Standing orders copy Ex. M-7 that no punishment could be awarded to any workman as a result of the enquiry held by a person other than the Manager himself or other than the person holding the enquiry on behalf of the manager. In other words the punishment awarded to the workman in order to be valid and legal must succeed a thorough enquiry held either by the Manager himself or on his behalf by another

officer. The Enquiry in the instant case has admittedly not been held by the Manager himself and there is no evidence on record that Shri S. K. Sehdev held the enquiry in the instant case on behalf of the manager.

Shri K. K. Khuller learned authorised representative of the management concerned while not disputing that the enquiry in order to be valid and justify punishment awarded to the workman must be held by a Manager or on his behalf by another officer under clause 5 of the Certified Standing Orders reproduced above, however, stressed that no specific plea in this direction was taken by the workman concerned to enable the management to prove due authorisation of Shri S. K. Sehdev to hold the enquiry and that this plea could not be put forth at the late stage of arguments. I have given this matter my careful consideration.

I find a specific allegation of the workman mentioned in the demand notice, that the enquiry held against him was illegal and not in accordance with the principles of natural justice and a specific denial of these allegations by the management. In view of clause 15 of the Certified Standing orders reproduced above will be within the knowledge of the management concerned, these pleas should have in the ordinary course put them on their guard not only to prove that the enquiry held by Shri S. K. Sehdev was in accordance with the principles of natural justice but also that it was held by a personnel legally competent to do so. I have no hesitation in further holding that even in absence of any pleas of the workman in this connection, the management were called upon to firmly establish that the personnel holding the enquiry was fully competent to do so under clause 15 of the Certified Standing Orders and their failure to establish his competency under a valid authority of the management renders the enquiry vitiated. I therefore reject the aforesaid argument of Shri K. K. Khuller as being without force and hold the enquiry vitiated on this ground alone.

The person competent to frame the charge-sheet in law, should either by the appointing authority or his superior authority, or the disciplinary authority or an authority duly authorised by the appointing authority from the disciplinary authority to do

so. The workman in the instance case was admittedly appointed on temporary basis by the Executive Officer,—vide letter copy Ex. M-8 and was subsequently confirmed by him,—vide letter Ex. M-10. The charge-sheet was admittedly framed by Shri S. M. Bangia Personal Officer without any authority to do so by the Executive Officer. The charge-sheet thus framed is obviously fastened with an irregularity even though not with an illegality in view of the punishment order having been made by the Executive Officer himself on consideration of the charges framed against the workman and the findings of the enquiry officer.

The management admittedly refused to supply the workman concerned the copy of the complaint an essential and important document asked for by him,—vide letter copy Ex. W-1,—vide their letter dated 12th May, 1976 attached with the enquiry proceedings. He was thus obviously denied the opportunity to prepare his defence and the enquiry stands vitiated on this ground as well. The mere circumstance that the workman made complaint Ex. W-4 to the Labour Inspector on 6th May, 1976 and Ex. W-1 to the management concerned on 5th May, 1976 that he had advanced a loan of Rs. 1,350 to Shri Ahuja and the later was bent upon implicating him in some serious case as a result of the demand for return of loan, are however, not sufficient to establish his plea that the charges framed against him were false and fabricated on the asking and under the influence of Shri Ahuja.

I, thus in view of my findings that the copy of the complaint leading to the charges was not supplied to the workman concerned and that the enquiry was held by a person not competent to do so under clause 15 of the certified standing orders hold the enquiry as vitiated. I, direct that notices be served on the parties to appear before me on 5th May, 1978 for fixing a date of recording the evidence of the management on merits of the case."

After this order the management adduced his evidence on merits including the enquiry and produced five witnesses. The workman also produced four witnesses after this order and the reference was referred to the Labour Court, Rohtak and the Labour Court, Rohtak took the evidence of the management, after that the case was transferred to me,—vide Secretary, Labour Department, order No. 1(79)81:1Lab. dated 20th

October, 1981 in the month of December, 1981 I took evidence of the workman and heard the arguments.

My findings on issue is as under :—

ISSUE NO. 2:

The representative of the respondent argued on this issue that the claimant was appointed on 31st October, 1973,—vide Ex. M-X as Milling Man in Maintenance Department and he was confirmed on 1st April, 1974 after that he started mis-behaving with his superiors and he was charge-sheeted on 11th October, 1975,—vide Ex. M-12. The claimant replied the explanation Ex. M-13 and admitted the fault of mis-behaviour and mis-conduct on which he was awarded punishment of suspension of two days,—vide Ex. M-14, dated 18th October, 1975. After that the claimant was again charge-sheeted,—vide Ex. M-15, dated 4th February, 1976 on mis-behaviour and mis-conduct. The claimant replied the same,—vide Ex. M-16, admitting the fault of mis-behaviour and mis-conduct on which the claimant was punished,—vide Ex. M-17, dated 3rd May, 1976 by suspending him for 4 days. After this order the claimant became furess and mis-behaved with his superiors and denied the job which was given to him mentioned in the charge-sheet Ex. M-1, dated 7th May, 1976 in this charge-sheet he was asked the explanation for his misbehaviour and mis-conduct and using un-parliamentary language for Mr. A. K. Dawra, Assistant Foreman and Mr. Ahuja, Foreman and also dis-obeyed the order of maintenance engineer. The claimant replied the same after a long delayed time,—vide Ex. M-6, dated 25th May, 1976 and after this reply the respondent constituted a domestic enquiry against this workman and appointed Shri Sehdev, Personnel Officer as Enquiry Officer, who has come in witness box as MW-1 and stated that he held the enquiry according to the principles of natural justice and every opportunity was given to the claimant. The claimant participated in the enquiry. He further argued that the charge-sheet against the claimant is for the misbehaviour and mis-conduct and using un-parliamentary language against his superior officers, Assistant Foreman and the maintenance manager. The maintenance manager Shri S. K. Sachdeva has come in the witness box and stated that the claimant was working with him as miller and on 3rd May, 1976 when he reached the office at about 1.50 p.m.,

the assistant foreman came to him and told him the whole story occurred with him and done by the claimant from morning till 1.00 p.m. The witness has stated that Shri Dawra told him that he gave the drawing and the job to the claimant but he mis-behaved in un-civilised manner asking that he did not require this drawing nor he could understand the drawing. The Assistant Foreman also told the witness that at 11.00 a.m. the claimant again came at his seat and abused. The witness further stated in his statement as MW-3 that on this report he called the foreman Shri N. K. Ahuja and asked about the matter. Shri Ahuja also explained the same story then the witness called the claimant in his room and asked him to take the job. He further argued that as stated by the maintenance manager in his statement the claimant behaviour with him was also not proper. He has stated in his statement that the claimant was suspended twice for the mis-conduct and mis-behaviour before his time for confessing his guilt he was given the punishment. Even after the order of Shri S. K. Sachdeva, Maintenance Manager, the claimant continued his behaviour and went to Mr. Ahuja and threw the bolts on his table and kicked him twice at his legs and abused him and on the complaint of Shri K. K. Dawra, Assistant Foreman and Shri N. K. Ahuja, Foreman the chargesheet was prepared. He further argued that Shri K. K. Dawra has come in the witness box as MW-4, who has stated in his statement that on 3rd May, 1976 he called the workman around about 9.30 A.M. for milling on 143 X 12" articles five nuts and 5 bolts and showed him the drawing and explained him for making the job. Ex. M-X and M-11 are the copies of drawings. The workman spoke in rudely language stating that he did not know any drawing and went on his machine. At 11.00 a.m. he again came to him and demanded the details of the job to be done. The witness again told the detail of the job but the claimant again spoke in indecent way and took away the bolts remarking that let him make the bolts first. The witness saw the claimant sitting idle at his machine at 11.20 a.m. and went to him to advise to work but the claimant told that he is very much tired and he will do the job after lunch. The claimant again came to the witness at 12.00 Noon and again asked the size of the bolts. The claimant was again explained the job and give the drawing of the job but he refused to take the drawing and at 12.30 p.m. the

claimant again came to Mr. K. K. Dawra when Mr. Ahuja was also present there who asked him that the Assistant Foreman has shown him drawing and have repeatedly explained the size and the job then why he is enquiring again and again. The claimant used the un-civilized and un-parliamentary language with Mr. Ahuja. Then the matter was reported to maintenance manager Shri Sachdeva, who called the claimant and explained the job to him. Even after that the claimant mis-behaved and did not spoke well with Mr. Sachdeva, the maintenance Manager. He further argued that Shri N. K. Ahuja, Assistant Manager has also come in the witness box as MW-5, who has stated that the claimant joined the service of the respondent from October, 1973 and was working under him as milling man. On 3rd May, 1973 Shri Dawra gave the job for doing milling work of five nuts and bolts of article 143 X 12". Shri Dawra explained the job to the claimant showing the drawing thereof. But he refused to accept the drawing saying rudely that he did not know how to read the drawing and did not want his drawing. The witness further stated that the claimant left the table without taking nuts and bolts and the drawing. At 11.00 a.m. he again came to Mr. Dawra and he explained the same. But again he did not accept the drawing and spoke rudely that "I have already said that I do not know drawing and I am taking the bolts". He stated the same story in his statement as Mr. Dawra and Maintenance Manager has stated in his statement. The representative of the respondent further argued that the claimant's main allegation is on Shri N. K. Ahuja that he took Rs. 1,000 for television and Rs. 350 for wheat and when he asked to return that money, Mr. Ahuja threatened him to remove him from service. But Mr. Ahuja as witness before this Court has denied the allegation and the claimant did not confront the witness by any document or by any evidence. Shri N. K. Ahuja has stated in his cross-examination that he has not constructed his house. The house was constructed by his father in 1974 and wooden sleepers were kept in the house of the claimant for a short period say about 15 days. He has denied the allegation of buying four bags of wheat and the loan of Rs. 1,000 for the purchase of television. He has further stated in his cross-examination that he purchased the television after drawing Rs. 5,000 from syndicate.

Bank on 27th February, 1974. He further argued that testimony of the officers of the management cannot be disbelieved per se on the ground that they are part and parcel of the management. The claimant mis-behaved, abused and used un-parliamentary language with these officers who have appeared in the Court and stated the same story which was not confronted and rebutted by the workman. The workman has called witness WW-1, Shri Sukhdev Raj, who has only stated that he has not seen the claimant mis-behaving with his superior officers and Shri Ahuja wants to get the claimants dismissed from the job by false allegations and the claimant has dealing with Mr. Ahuja. The workman has called Shri Shadi Lal as WW-3, who has stated that he gave the loan of Rs. 800 to the claimant for Mr. Ahuja and the claimant paid this amount after two years. The amount was given for the purchase of the television but he has admitted in his cross-examination that no television was purchased in his presence and no receipt was taken from the claimant for this loan. The workman has produced another witness Shri Bal Ram of Village Bhupeni, who has stated that he used to sale the wheat to the claimant and he also gave four bags of wheat for Mr. Ahuja in the year 1975. The wheat was given to the claimant who has taken it for Mr. Ahuja. The amount of wheat was given to him after Dewali 1975. But in his cross-examination the witness has stated that he has no relation with the claimant and he sold the wheat on cash payment. The claimant could not able to prove his case about the allegation of Mr. Ahuja. To bring un-known person in the Court and stated no material and did not prove the case of the claimant. There is no document to prove the fact of loan given to Shri Ahuja. Moreover the story of loan was not mentioned in his two previous explanations given against the chare-sheet. It is after thought story and the claimant was terminated after a proper enquiry. The enquiry file is with the main file of this case including the enquiry officer's report. The claimant has admitted the guilt of his mis-behaviour mis-conduct and using un-parliamentary language with his superiors, officers in his previous explanations. The witnesses of the respondent have stated about the previous behaviour of the claimant and the punishment given to him. The claimant has no reply for the previous behaviour and he had admitted the

punishment given to him which shows that the claimant is habitual person which cannot be tolerated in the company where discipline is a very essential thing. The company required the good persons for work and the company cannot run without good person and such persons spoils the atmosphere of the company and spoils other workmen. So the respondent has taken the right step according to the standing orders of the company which is Ex. M-7 and company terminated the services of the workman,—vide clause 14-5 for the mis-conduct. The company's standing order clause 13 is very clear about the wilfully in-subordination or dis-obedience for reasonable orders of his superiors and habitual breach of any rule or instructions for the maintenance or running of any department or the maintenance. So the termination of the workman is justified in these circumstances.

The representative of the workman argued that the claimant was got appointed by Shri N. K. Ahuja, foreman as stated by the workman as WW-2 in the month of October, 1973. The claimant gave application for his appointment to Mr. Ahuja, who arranged for his appointment in his company. The claimant used to visit Mr. Ahuja's house and there were personal terms with the workman and Mr. Ahuja, foreman of the company. In the year 1974 Mr. Ahuja has purchased the television and he was in short of money of Rs. 800 and he asked the claimant for money. The claimant arranged the money and took it from Mr. Shadi Lal, who has come in the witness box as WW-3, and stated that he gave Rs. 800 to the claimant for Mr. Ahuja for the purchase of television and which the claimant returned it after two years. He further argued that as stated by the claimant Shri N. K. Ahuja also asked the claimant to arrange three bags of wheat which he got from Mr. Bal Ram of village Bhupani, who has come as witness WW-4 in the Court and stated that he used to give the wheat to the claimant from the year 1973, and the claimant got three bags of wheat for Mr. Ahuja in the year 1975 and paid the money after Dewali 1975. Mr. Ahuja also put the wooden sleepers in the house of the claimant for 2 months and did not pay any rent. The claimant asked Mr. Ahuja for the return of the money which he has taken from the claimant on which the foreman told the claimant that he has got him appointed in the company so he should not ask for this amount and annoyed with the claimant and repeatedly asking for the

money involved him in a false allegations. The claimant has stated in his statement that on 3rd May, 1976 the job was given to him when he has started his days work and the claimant asked Mr. Dawra to get the mandal prepared of this nuts and bolts so that these can be prepared easily and hastily and prepared the bolts for the mandal. The claimant asked the size for the nuts and Mr. Dabra went to ask size from Mr. Ahuja. who asked Mr. Dawra to make the drawing. Mr. Dabra prepared the wrong drawing which the claimant objected because there was difference in the bolts which was already prepared by the claimant and it was done by the claimant because he has alert on the threat of Mr. Ahuja. The representative of the workman further argued that after this chargesheet the workman made the complaint Ex. W-1 to W-3 to the respondent in which the respondent did not reply these letters of the workman. The chargesheet was manipulated only due to these complaints and the complaint Ex. W-4 to the Labour Inspector. The Chargesheet was prepared to take the revenge from the workman and all these chargesheets were made up stories because no workman is involved in these chargesheets except the officers. Even before this Court only the officers have appeared as witness and no workman came to depose in favour of the respondent. The claimant was working in the shift where other workmen were also working and as alleged by the respondent, the claimant kicked the foreman Mr. Ahuja on his legs twice. It is not possible that the workman kicked the foreman and he did not cry and no person saw the scene. The respondent witness has been asked in the cross-examination about the presence of other workman at the time of incident, the witness could not name the person present at the time of incident. The officers are not independent witnesses because they work under the instructions of the company and they cannot go beyond the instructions of the company. The management should have brought the independent witness to prove their case which the respondent has failed to corroborate by some independent witness. He further argued that the witness of the workman has proved their case that Mr. Ahuja has taken a loan of Rs. 800 for Television and three bags of wheat amounting to Rs. 350, was taken by Shri Ahuja and he was annoyed on the asking of the money return. He further argued that the order of dismissal is also not according to Standing Order Ex. M-7, so the

workman may be reinstated with continuity of service and with full back wages.

After hearing the arguments of both the parties, and going through the file, I am of the view that the respondent has produced five witnesses who have corroborated the whole story about the mis-behaviour, mis-conduct and using un-parliamentary language with the superior officers. This fact also proves that the previous chargesheet against the claimant which he has admitted in his reply which the claimant was punished, the claimant has not mentioned a word against Mr. N. K. Ahuja foreman in the previous replies, shows that he has made these allegations only to make a defence. The workman has simply produced two witnesses who has stated that they have given the money and the wheat for Mr. Ahuja orally. There is no document to prove this fact that they give loan for Mr. Ahuja who has denied this fact in his cross-examination. The fact is not established from the file and the fact that he mis-behaved and denied the job is well established by the witnesses of the respondent who has come in the court to depose. The workman cannot rebutt the evidence given by the respondent witnesses by any way. So it is well established and proved as he has admitted in previous chargesheets that he is a person of that type to mis-behaved with the superior officers which is serious mis-conduct according to Standing Orders of the company and the respondent management has rightly terminated the services of the workman according to Standing Order of the company. So the issue is decided in favour of the respondent and against the workman. In these circumstances the claimant is not entitled for any relief.

This be read in answer to this reference.
Dated the 22nd May, 1982.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1199, dated 2nd June, 1982.

Forwarded, (four copies), to the Commissioner and Secretary to Government, Haryana, Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1974.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.